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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Apr 30, 2020

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 2:05-CR-6030-EFS-1

Plaintiff,

v.

TERRO L. BELL,

Defendant.

**ORDER DENYING DEFENDANT'S  
PETITION FOR WRIT OF AUDITA  
QUERELA AND MOTION FOR  
APPOINTMENT OF COUNSEL**

Before the Court are Defendant Terro L. Bell's Petition for Writ of Audita Querela, ECF 106, and related motion for appointment of counsel, ECF No. 107. Defendant asks the Court to reduce his sentence pursuant to the First Step Act and the Fair Sentencing Act.<sup>1</sup> On April 21, 2006, in the Eastern District of Washington, Defendant pled guilty to Distribution of a Controlled Substance, Cocaine Base, in violation of 21 U.S.C. § 841 and was sentenced to 60 months imprisonment followed by 4 years of supervised release.<sup>2</sup> In 2009, Defendant was released from federal

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<sup>1</sup> ECF No. 106.

<sup>2</sup> ECF No. 91.

1 custody and supervised release commenced. On December 16, 2009, jurisdiction of  
2 Defendant's supervised release was transferred to the Western District of  
3 Washington.<sup>3</sup> On October 9, 2009, Defendant's supervised release was terminated.<sup>4</sup>  
4 Because Defendant completed serving his sentence, including Defendant's  
5 supervised release term, in the instant case, the issues raised in Defendant's petition  
6 are moot and the Court lacks jurisdiction to reduce Defendant's sentence in his 2006  
7 conviction.<sup>5</sup>

8 Defendant avers that in 2016, he was charged in the District of North Dakota  
9 with conspiracy to possess methamphetamine with intent to distribute and  
10 sentenced, as a career offender, to 180 months imprisonment. For Defendant to seek  
11 relief from his 2016 sentence, he must seek relief from the District of North Dakota.<sup>6</sup>

12 **IT IS HEREBY ORDERED:**

13 1. Defendant's Petition for Writ of Audita Querela, **ECF No. 106**, is  
14 **DENIED** as moot.

15 2. Defendant's Motion for Appointment of Counsel, **ECF No. 107**, is  
16 **DENIED**.

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19 <sup>3</sup> ECF No. 99.

20 <sup>4</sup> Case No. 2:09-CR-00425-JLR.

21 <sup>5</sup> See *United States v. D.M.*, 869 F.3d 1133, 1137 (9th Cir. 2017).

22 <sup>6</sup> See 28 U.S.C. § 2255.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
2 provide copies to Defendant and all counsel.

3 **DATED** this 30th day of April 2020.

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s/Edward F. Shea

6 EDWARD F. SHEA  
7 Senior United States District Judge